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EXAMINER

STEELMAN, MARY J

ART UNIT PAPER NUMBER

2191

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/939,846

Applicant(s)

POOLE ET AL.

Examiner

Mary J. Steelman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-7,9-12,14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1,2,4-7,9-12,14,15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to Remarks and Amendments received 08/04/2006. Per Applicant's request, claim 11 has been amended. Claims 1, 2, 4-7, 9-12, 14, and 15 are pending.

Double Patenting

2. As noted in the prior Office Action, claims 1-15 remain provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims (1, 5, 7-8) of co-pending Application No. 09/939,813 (hereinafter '813) respectively. Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following observation. Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

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A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) maybe used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

As stated by Applicant in Remarks, the double patent rejections will be substantially addressed by Applicant upon an indication of allowable subject matter.

Claim Rejections - 35 USC § 101

3. In view of the amendment to claim 11, the prior 35 U.S.C. 101 rejection is hereby withdrawn.

Response to Arguments

4. Applicant's arguments with respect to claims 1, 2, 4-7, 9-12, 14, and 15 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 1, 2, 4-7, 9-12, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,208,345 to Sheard et al., in view of US Patent Application Publication 2002/0078432 A1 to Charisius et al.

As Per Claim 1, Sheard teaches that a visual data integration system architecture and methodology is disclosed. The system architecture includes a transport framework that represents a technology-independent integration mechanism that facilitates the exchange of technology dependent data between disparate applications. (E.g. see Abstract and associated text). In that Sheard discloses the method that covering the steps of:

-an Integrated Development Environment (IDE)

(Sheard: E.g. see col. 3:16-18, which states "A visual interface facilitates the design, deployment, and runtime monitoring of an integrated information system (IDE) implementation")

-executed by a computer, for creating and maintaining a multi-tier business application

(Sheard: E.g. see col. 3:24-26, which states "Various component icons maybe packaged together in business extension modules. (multi-tier business application)to provide users with specific business integration capabilities")

-on a multiple tier computer network, wherein the IDE includes a Topological Multi-Tier Business Application Composer

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(Sheard: E.g. see col. 24:55-67, which states "... in the presentation of a menu item ... provides a tree view of the network environment currently in operation...")

-that is used by a developer to graphically create and maintain

(Sheard: E.g. col. 6:1113, which states "...facilitate the design, deployment, and runtime monitoring...")

-the multi-tier business application

(Sheard: E.g. col. 3:24-26)

-a Meta-model that captures and persistently stores information entered via the Composer"

(Sheard: E.g. see col. 29:51-61, which states "Storage of the meta-model is typically implemented using a file based approach ...")

-an Interactive Agent that monitors

(Sheard: E.g. see Fig. 17 and associated text)

-the Meta-model for an occurrence of an event

(Sheard: E.g. border 546 for status information)

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-that comprises a possible non-optimization in a portion of the multi-tier business application based upon a heuristic analysis of information gathered by the Composer and stored within the Meta-model,

Sheard disclosed (col. 23:41-45), "Confirming the integrity ... by comparing the meta-data models (heuristic analysis of information gathered by Composer) ..."; (col. 29:32-36), "...a meta-model approach allows the validity of a data integration implementation to be verified (non valid implementation a possible non-optimization)..." Sheard disclosed (FIG. 18 & col. 31:47-col. 32:4) for a project configured, a user interface 501 performs a lookup to the meta-model for each adapter and performs a comparison (heuristics). An 'inconsistent' model (possible non-optimization in a portion of the application) triggers a suggestion of a modification.

Sheard failed to provide explicit details regarding:

-wherein the Interactive Agent operates from a knowledge base stored as a part of the Meta-model,

However, Charisius disclosed an (Abstract) "integrated process modeling and project planning tool (business application) that allows an enterprise affiliate to improve a workflow that models a process." [0197]-"the Client Interface 134 (Interactive Agent) ...increases the operating efficiency of the enterprise by optimizing a workflow using data mined (knowledge base stored) from plans created from the workflow. The term 'data mining' describes techniques for analyzing large amounts of enterprise data to determine trends, statistically significant information and functional relationships...may include planned duration and actual duration for

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a task. As an example of the Meta-model, see FIGs. 69 & 70, and related text at [0068-0069].

See FIG. 72 [0071] as related to knowledge used by the Client Interface and stored by the Meta model .

-and the knowledge base is structured in such a way that the occurrence of the event causes the Interactive Agent to access the knowledge base to identify context information comprising a list of suggested and recommended actions for the event,

Charisius: [0200]-“In general, the Client Interface 134 is able to perform the conditions-to-check on each task of each plan created from the activity in the workflow and then generate optimization suggestions for the activity that an enterprise affiliate may selectively choose...”

-in order to trigger a display of graphical element including the context information in the Composer to interact with the developer.

Charisius: [0224]-“Next, the Client Interface 134 logs or stores optimization information for the activity...includes the condition-to-check, the activity, the task, the planned-task-property, and the actual-task-property. The Client Interface 134 may store the optimization information for the activity so that the Client Interface 134 is able to quickly reference the optimization information...Thus the Client Interface 134 is able to obtain any summary of logged optimization information for an activity of a workflow.”

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify Sheard's invention for visual development, by including workflow

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modeling optimizations, as disclosed by Charisius, because Charisius recognized the need for tools that [0009] “provide direct links between projects and the workflows or business processes that the enterprise has defined and seeks to implement to gain business advantage and economies of efficiencies.” Charisius disclosed [0105], “The Process and Plan modules 1356 produce the requests to store or modify the various client files on the WebDAV storage 142...any type of file can be used to represent the client files.” Likewise, Sheard recognized (col. 3, lines 1-4) the “need for a system and methodology that employs a single intuitive user interface that provides various types of information to users having disparate data input and output requirements.”

As Per claim 2:

"wherein the Interactive Agent includes a Novice mode, and the Interactive Agent is triggered in the Novice Mode when an event occurs that is selected from a group comprising: opening a new window...;

(E.g., see col. 19:51-63 which states "...include the following activatable buttons: new, open, save, delete, and print...")

As Per claim 4:

-wherein the possible non-optimization is determined by examining attributes of the multi-tier business application stored within the Meta-model.

(As an example, see col. 31:47-67, which shows that during development, selected adapters are compared by the visual interface (for non-optimization) . Adapter meta classes are presented for user mapping of attributes.)

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As Per claim 5:

-wherein the Meta-model is updated and kept in synchronization with any updates made to the multi tier business application via the Composer window.

(As an example, see col. 31:47-col. 32:4, which shows that during development, selected adapters are compared by the visual interface (for non-optimization) . Adapter meta classes are presented for user mapping of attributes. The selection of OK generates a mapping file (meta-model is updated).)

As Per Claim 6:

See rejection of limitations as addressed in claim 1 above.

As per Claims 7, 9 and 10:

The rejection of claim 6 is incorporated and claims are rejected under the same reason set forth in connection of the rejection of claims 2, 4 and 5 respectfully.

As Per Claim 11:

This is the manufacture claim corresponding to the system claim 1 and is rejected under the same reason set forth in connection of the rejection of claim 1.

As per Claims 12, 14 and 15:

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The rejection of claim 6 is incorporated and claims are rejected under the same reason set forth in connection of the rejection of claims 2, 4 and 5 respectfully.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Note additional reference located:

USPN 5,745,765 to Paseman Col. 1, line 1, "configuration of custom products using selectable components", col. 2, line 44, "uses constraint-based programming. This is a relatively new branch of artificial intelligence (AI)...", col. 3, line 3, "the designer is guided in all the new choices of components."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Steelman, whose telephone number is (571) 272-3704. The examiner can normally be reached Monday through Thursday, from 7:00 AM to 5:30 PM If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached at (571) 272-3708. The fax phone number for the organization where this application or proceeding is assigned: 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mary Steelman

A handwritten signature in cursive script, appearing to read "Mary Steelman", written in black ink.

10/19/2006